

STATE BOARD OF ELECTIONS
Regular Meeting
Monday, September 16, 2019

MINUTES

PRESENT:

Charles W. Scholz, Chair
Ian K. Linnabary, Vice Chair
William J. Cadigan, Member
William R. Haine, Member
William M. McGuffage, Member
Katherine S. O'Brien, Member
Casandra B. Watson, Member

ABSENT:

Laura K. Donahue, Member

ALSO PRESENT:

Steven S. Sandvoss, Executive Director
Bernadette Matthews, Asst. Exec. Director
Kenneth R. Menzel, General Counsel
Amy L. Calvin, Administrative Assistant III

The meeting convened at 10:30 a.m. via videoconference with seven members present. Chair Scholz, Vice Chair Linnabary and Members Cadigan and Haine were present in Springfield and Members McGuffage, O'Brien and Watson were present in Chicago. Member Donahue was absent and Member Cadigan held her proxy.

Chair Scholz opened the meeting by leading everyone in the pledge of allegiance.

Member Cadigan moved to approve the minutes from the August 21 meeting as presented. Vice Chair Linnabary seconded the motion, which passed by roll call vote of 8-0.

Mr. Sandvoss presented a resolution for Bruce Brown who retired on July 31, 2019. Kyle Thomas, Director of Voting and Registration Systems, presented and recited the resolution to Mr. Brown. Mr. Thomas and the board thanked Mr. Brown for his twenty-three and a half years of service and wished him well in his retirement.

Mr. Menzel presented and reviewed the settlement offer for agenda 3.a.1) *SBE v. Friends of Dick Breckenridge*, 23617, 13CD190 and recommended acceptance of the offer. Mr. Breckenridge was present and also concurred with the recommendation. Vice Chair Linnabary moved to accept the settlement offer, which was seconded by Member Cadigan and passed by roll call vote of 8-0.

Mr. Menzel summarized an appeal of campaign disclosure fines for agenda item 3.a.3) *SBE v. Friends of Chris Taliaferro*, 25937, 19AD118 and concurred with the hearing officer recommendation to grant the appeal. Mr. Taliaferro was present and stated that the amended D-2 report was filed. Vice Chair Linnabary moved to grant the appeal, which was seconded by Member Cadigan and passed by roll call vote of 8-0.

Mr. Menzel presented the following appeals of campaign disclosure fines where he concurred with the hearing officer recommendation to grant the appeals for agenda items 3.a.2) *SBE v. Green Industry PAC*, 1279, 19AM008 and 4) *SBE v. Friends of Tom Phelan*, 32626, 19DQ116.

Vice Chair Linnabary moved to grant the above noted appeals, seconded by Member Haine and passed by roll call vote of 8-0.

Mr. Menzel summarized an appeal of campaign disclosure fines where he concurred with the hearing officer recommendation to deny the appeal for agenda items 3.a.5) *SBE v. Tazewell County Republican Central Committee*, 667, 19AD011. John Fogarty and James Rule were both present and explained that the Treasurer was battling cancer and that the violation was inadvertent. Mr. Fogarty then offered \$500 to settle the fine. Vice Chairman Linnabary moved to deny the appeal and accept the settlement offer of \$500. Member McGuffage seconded the motion, which passed by roll call vote of 8-0.

Mr. Menzel summarized an appeal of campaign disclosure fines where he concurred with the hearing officer recommendation to deny the appeal for agenda item 3.a.7) *SBE v. Citizens for Beth Akeson*, 21626, 19AM026. Beth Akeson was present on behalf of the committee and offered a settlement amount of \$1,000. After discussion, Member Haine moved to deny the appeal and accept the settlement offer of \$1,000. Member Cadigan seconded the motion, which passed by roll call vote of 8-0.

Mr. Menzel summarized an appeal of campaign disclosure fines where he concurred with the hearing officer recommendation to deny the appeal for agenda item 3.a.8) *SBE v. Committee to Elect Brooks & Winfrey for 8*, 32079, 19MA044. Herb Brooks was present on behalf of the committee and offered a settlement amount of \$1,000. Member Cadigan moved to deny the appeal and accept the settlement offer of \$1,000. Vice Chairman Linnabary seconded the offer, which passed by roll call vote of 8-0.

Mr. Menzel summarized an appeal of campaign disclosure fines where he concurred with the hearing officer recommendation to deny the appeal for agenda item 3.a.10) *SBE v. Friends to Elect Terra Costa Howard*, 34006, 19AD128. Keri-Lyn Krafthefer and Terra Costa Howard were both present on behalf of the committee. Ms. Krafthefer reviewed the matter and indicated that the in-kind contribution was received and opened after business hours. The committee also had ongoing issues changing the Treasurer in the IDIS system and the previous Treasurer had to be contacted to access the system. The contribution was filed one day late and prior to the election, so public disclosure was achieved. Ms. Howard also offered her comments about the statutes regarding in-kind contributions and that she believed that every effort was made to follow the law. After discussion, Member McGuffage moved to grant the appeal based on the electronic filing defense. Member Watson seconded the motion, which passed by roll call vote of 8-0.

Mr. Menzel summarized an appeal of campaign disclosure fines where he concurred with the hearing officer recommendation to deny the appeal for agenda item 3.a.11) *SBE v. Friends of Natalie Phelps Finnie*, 34086, 19AD067. Mike Kasper was present on behalf of the committee and offered a settlement of \$5,000. Member Cadigan moved to deny the appeal and accept the settlement offer of \$5,000. Vice Chairman Linnabary seconded the motion, which passed by roll call vote of 8-0.

Mr. Menzel presented the following appeals of campaign disclosure fines where he concurred with the hearing officer recommendation to deny the appeals for agenda items 3.a.6) *SBE v. Bellwood First Party*, 15371, 19AM018 and 3.a.9) *SBE v. Citizens for Louis D. Day*, 32628, 19MQ089. Member Cadigan moved to deny the above noted appeals, seconded by Vice Chairman Linnabary and passed by roll call vote of 8-0.

Mr. Menzel summarized an appeal of campaign disclosure fines where he concurred with the hearing officer recommendation to deny the appeal and order the committee to file an amended report for agenda item 3.a.12) *SBE v. 29th Ward Democratic Organization*, 32197, 19AM051. Pericles Abbasi was present on behalf of the committee and reviewed the facts of the violations. He suggested that the committee amend their reports to reflect that the payments were made directly to the campaign workers and offered a settlement amount of \$1,500. Vice Chairman Linnabary moved to deny the appeal and accept the settlement offer of \$1,500. Member Watson seconded the motion, which passed by roll call vote of 8-0.

Mr. Menzel summarized an appeal of campaign disclosure fines where he concurred with the hearing officer recommendation to grant the appeal in part and deny the appeal in part for agenda item 3.a.13) *SBE v. Keeping Oak Lawn First*, 32625, 19MA015. Ross Secler was present on behalf of the committee and offered a settlement amount of \$1,075. Member McGuffage moved to grant the appeal in part, deny the appeal in part and accept the settlement offer of \$1,075. Vice Chair Linnabary seconded the motion, which passed by roll call vote of 8-0.

Mr. Menzel presented an appeal of campaign disclosure fines where he concurred with the hearing officer recommendation to grant the appeal in part and deny the appeal in part for agenda item 3.a.14) *SBE v. Ensure Continued Success in Parks*, 35284, 19AM086. Member McGuffage moved to accept the recommendation of the general counsel and hearing officer. Vice Chair Linnabary seconded the motion, which passed by roll call vote of 8-0.

Complaints following public hearing were presented for agenda items 3.a.15-24:

- 15) *SBE v. Eagle Forum State PAC*, 19CD041;
- 16) *SBE v. Friends for Darryl Smith*, 19CD044;
- 17) *SBE v. Citizens to Elect Alvin Parks, Jr.*, 19CD045;
- 18) *SBE v. Friends of Tyrone Ward*, 19CD053;
- 19) *SBE v. Citizens for Dominique Miller*, 19CD058;
- 20) *SBE v. Friends of Jeanne Oddo for Alderman*, 19CD059;
- 21) *SBE v. Republican Gun Club of St. Clair County*, 19CD062;
- 22) *SBE v. Aaron4Science*, 19CD071;
- 23) *SBE v. Citizens for Francis Frye*, 19CD078;
- 24) *SBE v. Jim Patrician for Kane County*, 19CD079;

Mr. Menzel concurred with the hearing officer recommendations that the complaints for item numbers 16-17 and 19-24 be upheld and Board orders be issued requiring the delinquent report(s) be filed within 30 days of the order or the committees face a fine up to \$5,000. As to item numbers 15 and 18, Mr. Menzel noted that the reports have been filed and recommended referral to staff for imposition of a civil penalty. Vice Chair Linnabary moved to adopt the recommendation of the general counsel in the above noted matters. Member Haine seconded the motion, which passed by roll call vote of 8-0.

A memo regarding random audits of political committees and a listing of civil penalty assessments was presented for informational purposes.

Mr. Menzel presented a listing of civil penalty assessments necessitating a final board order. Member Cadigan moved to assess the civil penalties against the committees listed on page 107 of the board packet. Member Scholz seconded the motion, which passed by roll call vote of 8-0.

Executive Director Sandvoss began his report with an update on the Advisory Committee meeting that was held just prior to the board meeting. Topics discussed included victims of domestic

violence confidentiality, ADA polling place survey, U.S. withdrawal from the Universal Postal Union and SB2020 – jail voting. He said the meeting was well attended and the next meeting is scheduled for January 9, 2020.

Mr. Sandvoss presented a modification request for Unisyn OpenElect 2.0.A Voting System and asked Kyle Thomas to brief the board. Mr. Thomas reviewed his memo contained on pages 111-112 of the board packet and noted that Ken Gibson from Liberty was present. Liberty is the support vendor for Unisyn and assisted staff with the in-house testing. Mr. Thomas explained that these were minor changes to the ADA compliant keyboard for the ballot marking device and Federal Information Processing Standards, otherwise known as FIPS, 140-2 compliant cryptographic protection for communications within their OpenElect Central Suite. Mr. Thomas noted that staff encountered an issue with one ballot where a low density mark was not detected by the tabulator. This occurs when the ink pen being used to mark the ballot is near its end of life. Unisyn made modifications to the system to correct the issue and it is currently undergoing testing by a VSTL. He expects Unisyn to request testing of that system in April or May of 2020. Mr. Thomas indicated that, due to his desire to have the low density mark item addressed prior to the 2020 General Election, he recommended that the Board grant a one-year interim approval for the OpenElect 2.0.A voting system as requested by Unisyn. Member Cadigan moved to grant a one year interim approval as outlined in Mr. Thomas' memo. Member Haine seconded the motion, which passed by roll call vote of 7-0. Member Watson voted present in the matter.

Next on the agenda was the legislative update and Angela Ryan informed the board that the veto session was set to begin in October and run through November. She said only emergency legislation would be introduced during the veto session and that she would keep the board informed on any developments. In response to a request from Member McGuffage, Ms. Ryan indicated she would work on legislation again to increase the threshold for formation of a political committee.

Mr. Sandvoss presented the voter registration activity report, Cyber Navigator Program update, NCSL staff reports for the board's information and offered to answer any questions.

Chair Scholz asked Mr. Sandvoss to review the Cyber Navigator Program (CNP) for the board's benefit. He explained that the CNP was created in August, 2018 to assist the election authorities in improving their cyber security. The CNP requires the election authorities to sign up for the Illinois Century Network, which is the State's own secure network to allow fluid communication between the SBE and the election authorities. Thirty-two jurisdictions are currently connected and staff is working to establish connections for the remaining jurisdictions. Mr. Sandvoss discussed the information sharing program where the nine Cyber Navigators conduct training for the election authorities and provide outreach about the program. In addition, \$2.9 million HAVA funds were authorized for distribution to the election authorities through grant applications for cybersecurity improvements and upgrades.

Mr. Sandvoss presented an update on the Springfield office lease provisions, which was included in the board packet. He noted that the bank officially took possession and ownership of the building and we expect to hear from a representative from the bank in the near future.

The fiscal reports and two year plan of staff activity were presented for informational purposes.

Member Cadigan moved to recess to executive session for litigation purposes. Vice Chair Linnabary seconded the motion, which passed by roll call vote of 8-0.. The meeting recessed at 12:20 p.m. and reconvened at 12:40 p.m.

With there being no further business before the Board, Member Cadigan moved to adjourn until October 16, 2019. Vice Chair Linnabary seconded the motion, which passed unanimously. The meeting adjourned at 12:40 p.m.

Respectfully submitted,



Amy L. Calvin, Administrative Assistant III



Steven S. Sandvoss, Executive Director